

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ROBERT WRIGHT, ET AL.)
) Group Art Unit: 2161
Serial No.:	10/696,109)
) Examiner: Monica M. Pyo
Filed:	October 29, 2003)
) Confirmation No.: 6914
For:	METHOD AND SYSTEM FOR)
	PROVIDING DELIVERY OF)
	SEGMENTED DATA FILES)

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Commissioner for Patents
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REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed January 16, 2009, and in conjunction with the concurrently filed Notice of Appeal, Applicants request a Pre-Appeal Brief Conference in view of the following remarks.

REMARKS

In response to the final Office Action dated January 16, 2009, Applicants respectfully request reconsideration in a Pre-Appeal Brief Conference based on the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claims 1-21 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Examiner objects to the language “at least one data bundle being stored on only a single source storage device” in claims 1, 16 and 21. This feature is clearly supported in paragraph [0050] which states “[i]n this manner, the data file 718 is segmented and a bundle associated with each segment is stored in **one or more locations** (emphasis added).” One or more includes one. Further, Figure 6 clearly shows segment 3 stored at only one location, i.e., storage location D. Thus, this feature is supported in the original specification and the rejection should be withdrawn.

Claims 1-3, 6-8, 10-13, 15-16 and 18-21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Redmond (International Publication No. WO 02/054708), hereinafter referred to as “Redmond”, in view of Peters et al. (U.S. Patent No. 6,415,373), hereinafter referred to as “Peters” and Yokota et al. (U.S. Patent 6,691,149) hereinafter referred to as “Yokota.” This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, “the directory lists source storage device locations containing data bundles that correspond to the at least one of the one or more segments, at least one data bundle being stored on only a single source storage device.” Support for this feature is found in at least paragraph [0050] and Figure 3 (e.g., segment 3 is stored at only location D). None of Redmond, Peters and Yokota teaches or suggests this feature.

Redmond teaches that complete sets of content are stored on intermediate control nodes, or Neuro Nodes. The Neuro Nodes mirror select individual encrypted segments to intermediate servers and to clients (Page 3, lines 14-29). The technique of mirroring content across multiple nodes results in each segment being stored in multiple locations. This is contrary to claim 1 that recites at least one data bundle being stored on only a single source storage device. Peters is similar to Redmond and teaches storing segments randomly such that each segment is stored on at least two storage units (see Abstract). Again, this is contrary to claim 1 that recites at least one data bundle being stored on only a single source

storage device. Yokota was relied upon for allegedly teaching a segment divided into one or more data bundles, but fails to cure the deficiencies of Redmond and Peters. Yokota is not related to mirroring content in multiple locations. Thus, even if Redmond, Peters and Yokota are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Redmond, Peters and Yokota. Claims 2, 3, 6-8, 10-13 and 15 variously depend from claim 1 and are patentable over Redmond, Peters and Yokota for at least the reasons advanced with reference to claim 1. Claims 16 and 21, as amended, recite features similar to those discussed above with reference to claim 1 and are patentable over Redmond, Peters and Yokota for at least the reasons advanced with reference to claim 1. Claims 18-20 depend from claim 16 and are considered patentable for at least the same reasons

Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Redmond in view of Peters and Yokota and further in view of U.S. Patent No. 6,862,594 to Saulpaugh (hereinafter "Saulpaugh").

Saulpaugh discloses a method and apparatus to discover services using flexible search criteria. Saulpaugh does not disclose or suggest the features of claims 1 and 16 missing from Redmond, Peters and Yokota, as explained above. Thus, Saulpaugh fails to make up for the deficiencies of Redmond, Peters and Yokota with regard to the features recited in independent claims 1 and 16. Claims 4 and 17 depend from claims 1 and 16, respectively, and claims 4 and 17 are thus considered allowable over any combination of Redmond, Peters, Yokota and Saulpaugh.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Redmond in view of Peters and Yokota and further in view of U.S. Patent Application Publication No. 2004/0236785 to Greiner (hereinafter "Greiner").

Greiner discloses a method and system for transmitting a digital image over a communication network. Greiner does not disclose or suggest the features of claim 1 missing from Redmond, Peters and Yokota, as explained above. Thus, Greiner fails to make up for the deficiencies of Redmond, Peters and Yokota with regard to the features recited in independent claim 1. Claim 5 depends from claim 1, and claim 5 is thus considered allowable over any combination of Redmond, Peters, Yokota and Greiner.

Claims 9 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Redmond in view of Peters and Yokota and further in view of U.S. Patent No. 6,486,892 to Stern (hereinafter "Stern"). These rejections are respectfully traversed.

Stern discloses a system and method for accessing, manipulating, and viewing internet and non-internet related information and for controlling networked devices. Stern does not disclose or suggest the features of claim 1 missing from Redmond, Peters and Yokota, as explained above. Thus, Stern fails to make up for the deficiencies of Redmond, Peters and Yokota with regard to the features recited in independent claim 1. Claims 9 and 14 depend from claim 1, and claims 9 and 14 are thus considered allowable over any combination of Redmond, Peters, and Stern.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

If any extensions of time are required under 37 C.F.R. 1.136, Applicants hereby petition for such extensions of time and authorize any extension fees to be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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